

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 14-46 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

James Kelly Benson,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois dated March 31, 2014. (Doc. No. 40.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

**ORDER**

1. Magistrate Judge Leo I. Brisbois's Report and Recommendation (Doc. No. [40]) is **ADOPTED**.
2. Defendant's Motion for Pre-Trial Determination of the Admissibility of Co-Conspirator's Statements Pursuant to Rule 801(d)(2)(E) (Doc. No. [28]) is **DENIED**.

3. Defendant's Motion to Suppress Wire Interceptions, Electronic Surveillance, and Other Evidence (Doc. No. [29]) is **DENIED**.

Dated: April 16, 2014

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge